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ATTORNEY'S DOCKET NUMBER: 2003390-0031

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Morency *et al.* Examiner: To be assigned
Serial No: 10/583,183 Art Unit: To be assigned
Filing Date: June 16, 2006
Title: A Hydrometallurgical Separation Process of Steel Mill Electric Arc Furnace (EAF) Dust and the Pigments Obtained by the Process

Mail Stop: Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

TRANSMITTAL LETTER

Enclosed are the following documents:

1. Statement under 37 C.F.R. §§ 1.56, 1.97, and 1.98 (6 pages);
2. Form PTO-1449 (4 pages);
3. Cited Art (9 references); and
4. Return Postcard.

Respectfully submitted,


Charles E. Lyon, D. of Phil.
Registration No. 56,630

PATENT GROUP
CHOATE, HALL & STEWART, LLP
Two International Place
Boston, MA 02110
Tel (617) 248-5000
Fax (617) 248-4000

Dated: February 12, 2007

Certificate of Mailing

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

February 12, 2007

Date


Signature

Nicole A. Dozier

Typed or Printed Name of person signing certificate



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STATEMENT UNDER 37 C.F.R. §§ 1.56, 1.97, AND 1.98

Pursuant to the duty of disclosure under 37 C.F.R §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement

The present Information Disclosure Statement is:

- ☒ [X] An *original* Information Disclosure Statement; or
☐ [] A *supplemental* Information Disclosure Statement.

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Signature

Nicole A. Dozier

Name of Person Signing

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

- ☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:
 - ☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
 - ☒ Before the mailing of a first Office action on the merits; or
 - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby certifies that *either*:
 - ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the

information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; or

☐ Includes herewith the fee set forth in § 1.17(p),

☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:

☐ Certifies that *either*:

☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; and

☐ Includes herewith the fee set forth in § 1.17(p).

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- ☐ A copy of each cited reference not indicated with an asterisk is included, except for U.S. patents and published U.S. patent applications for which the submission requirements has been waived by the PTO in the Official Gazette Notice of August 5, 2003, for applications filed after June 30, 2003;
- ☒ A copy of each of the references cited on the attached form PTO-1449 (modified) is enclosed, except for U.S. patents and published U.S. patent applications for which the submission requirement has been waived by the PTO in the Official Gazette Notice of August 5, 2003, for applications filed after June 30, 2003;
- ☐ Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status

- ☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

- ☐ Does not contain non-English language citations;
- ☐ Includes one or more translations of a non-English citation; or
- ☒ Does contain non-English language citations, of which the following is a concise explanation:

FR 1362949 is included without an English Abstract provided. If Examiner requests one, the applicant shall oblige.

English Abstract of JP 63205163:

PURPOSE: To enhance the grade or recovery efficiency of ferrite, in a magnetic separation process wherein roughing and cleaning or two-stage treatment or roughing and scavenging are combined, by applying dispersion treatment to gypsum-containing ferrite before each process.

CONSTITUTION: In treatment for recovering ferrite from gypsum-containing ferrite, an ultrasonic dispersing machine, a pulverizer and an ultra-disperser can be utilized in a method for dispersing gypsum-containing ferrite. For example, in two-stage treatment consisting of a roughing magnetic separation process and a cleaning magnetic separation process, by performing dispersion treatment before each process, the magnetization of the obtained cleaning concentrate M.M becomes 68emu/g and becomes high by 9emu/g as compared with a case performing no dispersion treatment.

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) .

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 USC § 102.

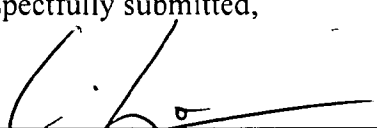
It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Dated: February 12, 2007

Respectfully submitted,



Charles E. Lyon, D. of Phil.
Registration No. 56,630

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Receipt date: 02/15/2007



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Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	10/583183
				Filing Date	June 16, 2006
				First Named Inventor	MORENCY, Maurice
				Art Unit	Unknown
				Examiner Name	Unknown
Sheet	1	of	3	Attorney Docket Number	2003390-0031

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-1.557.990	10-20-1925	Doty Fred D	
		US-2.404.254	07-16-1946	Short	
		US-2.502.130	03-28-1950	Downs et al.	
		US-2.904.395	09-15-1959	Donald et al.	
		US-3.832.455	08-27-1974	Smith G et al.	
		US-3.904.421	09-09-1975	Shimizu et al.	Whole document
		US-3.959.437	05-25-1976	Rastas et al.	
		US-4.053.325	10-11-1977	Vanderheiden	
		US-4.071.357	01-31-1978	Peters Mark A	
		US-4.087.004	05-02-1978	Nott	
		US-4.125.460	11-14-1978	Nott et al.	
		US-4.140.538	02-20-1979	Hund et al.	
		US-4.156.613	05-29-1979	Hund et al.	
		US-4.211.565	07-08-1980	Hund et al.	Whole document
		US-4.225.352	09-30-1980	Makino Hajime et al.	Whole document
		US-4.286.726	09-01-1981	Madsen	
		US-4.289.745	09-15-1981	Patil Arvind S	
		US-4.292.294	09-29-1981	Patil et al.	
		US-4.332.777	06-01-1982	Pazdej Richard	
		US-4.319.988	03-16-1982	Aldrich Robert G	
		US-4.362.702	12-07-1982	Rastas et al.	
		US-4.396.423	08-02-1983	Stephens JR Frank Metal	
		US-4.378.252	03-29-1983	Kiemle et al.	
		US-4.386.057	05-31-1983	Dobbins et al.	
		US-4.419.228	12-06-1983	Cook et al.	
		US-4.409.020	10-11-1983	Holman et al.	
		US-4.432.868	02-21-1984	Aldrich Robert G	
		US-4.443.264 A	04-17-1984	Hund et al.	Claims 1-3
		US-4.435.368	03-06-1984	Demarthe et al.	
		US-4.482.864	11-13-1984	Koenig et al.	
		US-4.491.619 A	01-01-1985	Biermann Hans-Peter et al.	
		US-4.606.765	08-19-1986	Ferlay Serge	
		US-4.610.721	09-09-1986	Duyvesteyn et al.	
		US-4.610.722	09-09-1986	Duyvesteyn et al.	
		US-4.669.397	06-02-1987	Galgana et al.	
		US-4.652.433	03-24-1987	Ashworth Robert A	
		US-4.680.130	07-14-1987	Hibst	
		US-4.681.637	07-21-1987	Rademachers et al.	
		US-4.781.298	11-01-1988	Hemstack et al.	
		US-4.726.895	02-23-1988	Martinez Edward	
		US-4.758.415	07-19-1988	Patil Arvind S	
		US-4.784.758	11-15-1988	Willis Mitchell J	
		US-4.826.537	05-02-1989	Ostertag	
		US-4.840.668	06-20-1989	Gawol et al.	
		US-4.803.061	02-07-1989	Najjar et al.	

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /Y.T./

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/583183
				Filing Date	June 16, 2006
				First Named Inventor	MORENCY, Maurice
				Art Unit	Unknown
				Examiner Name	Unknown
Sheet	2	of	3	Attorney Docket Number	2003390-0031

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ^{2 (if known)}			
		US-4.810.368	03-07-1989	Seider et al.	
		US-4.828.711	05-09-1989	Cohen Henry E	
		US-4.867.795	09-19-1989	Ostertag et al.	
		US-4.940.550	07-10-1990	Watson John L	
		US-4.985.078	01-15-1991	Rademachers et al.	
		US-5.055.136 A	10-08-1991	Wiese et al.	
		US-5.030.285	07-09-1991	Valvey et al.	
		US-5.047.145	09-10-1991	Hwang Jiann-yang	
		US-5.143.599	09-01-1992	Derdall et al.	
		US-5.082.493	01-21-1992	Barrett Everett et al.	
		US-5.127.586	07-07-1992	Oder Robin R	
		US-5.147.554	09-15-1992	Hack Alfred	
		US-5.154.769	10-13-1992	Kuske et al.	
		US-5.164.007	11-17-1992	Buxbaum	
		US-5.173.629	12-22-1992	Peters Richard E	
		US-5.176.260	01-05-1993	Oder Robin R	
		US-5.221.323	06-22-1993	Li Chung-Lee	
		US-5.227.047	07-13-1993	Hwang Jiann-yang	
		US-5.192.518	03-09-1993	Ukawa et al.	
		US-5.234.669	08-10-1993	Bartlett Robert W	
		US-5.316.746	05-31-1994	Nanta Yuuki et al.	
		US-5.332.493	07-26-1994	Ginn et al.	
		US-5.340.472	08-23-1994	Heck Alfred	
		US-5.342.443	08-30-1994	Forbus et al.	
		US-5.336.421	08-09-1994	Kurita	
		US-5.348.160	09-20-1994	Kindig James K	
		US-5.376.605	12-27-1994	Iannicelli et al.	
		US-5.393.412	02-28-1995	Hettinger William P	
		US-5.462.173	10-31-1995	Darling Richard	
		US-5.486.229	01-23-1996	An Ki Ju	
		US-5.549.811	08-27-1996	Rizel et al.	
		US-5.534.234	07-09-1996	Reddin et al.	
		US-5.556.571	09-17-1996	Hashiuchi et al.	
		US-5.570.469	10-29-1996	Soderstrom et al.	
		US-5.685.993	11-11-1997	Liu Qi	
		US-5.709.730	01-20-1998	Cashman Joseph B	
		US-5.738.717	04-14-1998	Oulsnam Bryon Thomas et al.	
		US-5.792.250	08-11-1998	Braun et al.	
		US-5.849.063	12-15-1998	Myerson Allan S	
		US-5.906.671	05-25-1999	Weinwurm	
		US-5.912.402	06-15-1999	Drinkard et al.	
		US-5.942.198	08-24-1999	Myerson et al.	
		US-5.954.969	09-21-1999	Hedin Robert S	
		US-6.022.406 A	02-08-2000	Roux Gilles et al.	Whole document

Receipt date: 02/15/2007

PTO/SB/08A (07-05)

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		Number-Kind Code ² (if known)			
		US-6.129.777	10-10-2000	Fuji Kojiro et al.	Whole document
		US-6.139.960	10-31-2000	Styron et al.	
		US-6.186.335	02-13-2001	Arrington-Webb et al.	
		US-6.221.124	04-24-2001	Blom Peter William Ennis	
		US-6.242.098	06-05-2001	Styron et al.	
		US-6.197.200	03-06-2001	College John et al.	
		US-6.302.952	10-16-2001	Mobbs et al.	
		US-6.638.430	12-20-2001	Bratten Jack R	
		US-6.338.748	01-15-2002	Lee Ho In et al.	
		US-6.361.753	03-26-2002	Cashman Joseph B	
		US-6.361.749	03-26-2002	Terstappen et al.	
		US-6.428.599	08-06-2002	Cashman	
		US-6.500.229 B1	12-31-2002	Roux et al.	
		US-2003/0010156	01-16-2003	Tedjar Farouk et al.	
		US-2003/0023128	01-30-2003	Smith Charles	
		US-6.530.987	03-11-2003	Auer Gerhard et al.	
		US-2004/0168614	09-02-2004	Pipko Gregory et al.	
		US-6.770.249 B1	08-03-2004	Hoboy et al.	
		US-6.756.894	07-06-2004	Houmes Joel D	
		US-6.863.873 B1	03-08-2005	Hoboy et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		EP 0724918 A1/A4	08-07-1996	Hayashi et al.		
		JP 63205163	08-24-1988	Ema Shunichi		
		CZ 291,706	05-14-2003	Benda et al.		
		GB 748,410	05-02-1956	Hunter		
		GB 887,491	01-17-1962	Stamnicarbon		
		GB 1.218.762	01-13-1971	Duval		
		FR 1.362.949	06-05-1964	Geigy		
		CA 1.241.200	08-30-1988	Hooykaas Carel W J		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Receipt date:

Circular stamp from the Office of Intellectual Property (OIP) dated FEB 15 2007. The text "OIP" is at the top, "IAPRO" is at the top right, "FEB 15 2007" is in the center, and "PATENT & TRADEMARK OFFICE" is at the bottom.

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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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